

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)The person of Ethan Ryan Xavier Oller;
DOB: x/xx/2001, SSN: xxx-xx-0274

Case No.

20-642MR

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of Ethan Ryan Xavier Oller, born xx/xx/2001, Social Security Number xxx-xx-0274

located in the _____ District of _____ New Mexico, there is now concealed (identify the person or describe the property to be seized):

DNA sample in the form of saliva from the person of Ethan Ryan Xavier Oller.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 21 U.S.C. § 841 & 846	Possession with Intent/Distribute Marijuana/THC; Conspiracy
Title 18 U.S.C. § 924(c)	Possession of a Firearm in Furtherance of a Drug Trafficking Crime

The application is based on these facts:
 See Attachment A, which is hereby attached and incorporated by reference into this warrant application.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

FBI TFO Ramon Morales

Printed name and title

Sworn to before me and signed in my presence.

Date:

24 Apr 2020

Judge's signature

City and state: Las Cruces, New Mexico

Hon. Gregory B. Wormuth, United States Magistrate Judge

Printed name and title

**ATTACHMENT A - AFFIDAVIT IN SUPPORT OF APPLICATION FOR AN ORDER
AUTHORIZING SEARCH WARRANT**

1. This affidavit is made in support of an application for an order authorizing a search warrant for DNA samples in the form of saliva from the persons of Sebastian Chacon and Ethan Oller, related to violations of 21 U.S.C. §§ 841 and 846, and 18 U.S.C. § 924(c). The purpose of obtaining the DNA samples is to identify whether the DNA of Subjects Sebastian Chacon and Ethan Oller is on any of the firearms, ammunition, and/or drug packaging materials seized in this case.

2. I am a detective with the Doña Ana County Sheriff's Office and a Special Agent with the Las Cruces/Doña Ana County (LC-DAC) Metro Narcotics Agency. I am also a Federal Bureau of Investigation (FBI) Task Force Officer (TFO) currently assigned to the FBI Southern New Mexico Safe Streets Gang Task Force. I have been an FBI TFO since October 2018. As an FBI TFO, I am authorized to investigate crimes involving violations of the Controlled Substances Act, including violations of 21 U.S.C. § 841(a)(1), 21 U.S.C. § 846, and federal firearm offenses (18 U.S.C. §§ 922, 924), including violations of 18 U.S.C. § 924(c). I have received specialized training on the subjects of narcotics trafficking and money laundering and have been personally involved in investigations concerning the possession, distribution, and importation of controlled substances, including marijuana, as well as methods used to finance narcotic transactions.

3. I am familiar with the facts and circumstances of this investigation as a result of my personal participation in the investigation, discussions with other agents who were involved in the investigation, and review of reports written by other agents concerning the investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every known fact regarding the instant investigation. More specifically, I have set forth only pertinent facts that I believe are necessary to establish probable cause to obtain a DNA sample from Subjects Sebastian Chacon and Ethan Oller. To the extent statements of Subjects Sebastian Chacon and Ethan Oller and other individuals/witnesses are referenced in this affidavit, these statements are general summaries of what was stated, and are not intended to be taken as exact verbatim quotes.

4. On March 4, 2020, at approximately 2130 hours, officers from the Las Cruces Police Department (LCPD) were dispatched to 2200 Stern Dr., Las Cruces, New Mexico in

reference to a "shots fired" call. Upon arrival, officers observed multiple bullet holes on the outer walls of Apartment #1 as well as spent 9mm bullet casings in the parking lot area in front of the apartment. Officer Cuitlahuac Ortiz of LCPD was approached by a male witness and his mother, tenants of Apartment #6, who advised the officer that they had information regarding who was responsible for the shooting.

5. The male witness stated that, prior to the shooting, he was involved in an argument via the cellular telephone application Snapchat with a male named "Sebastian," who has a Snapchat profile name of "OBO-SEBAST." During the digital argument, the witness sent Subject Sebastian Chacon his address of 2200 Stern Dr., Las Cruces, NM and told the subject to "pull up." The witness advised that the individual he believed was responsible for the shooting was named "Sebastian," who was a "friend of a friend" of his. He further stated that the subject he was arguing with on Snapchat is known by the moniker "PACK MAN," and that he knew the girlfriend of "PACK MAN," who goes by the name of Mia Montoya.

6. The witness's mother (also a tenant of Apartment #6), who was in her bedroom during the shooting, also spoke with law enforcement the night of March 4, 2020 when officers first responded to the shooting. She reported seeing a silver 4-Door Mercedes in the parking lot of the apartment complex moments before the shooting occurred.

7. Other witnesses from nearby apartments were also interviewed at the scene of the shooting, and gave statements including but not limited to having observed a dark in color four door car, a maroon/dark in color SUV, and a maroon Nissan in relation to the shooting.

8. The occupants of the apartment that got shot up (Apartment #1 at 2200 Stern Dr.) gave consent for officers to enter their apartment and collect evidence. Affiant subsequently determined that approximately 21 shots had been fired at or near the dwelling.

9. During the morning of March 5, 2020, the mother of the witness who engaged in the Snapchat argument with "Sebastian" prior the shooting called law enforcement and advised that, according to her son, the individuals involved in the shooting stay at the Woodspring Suites hotel when they are in town, and may have a maroon Chevrolet vehicle. She further assisted law enforcement in making contact with her son regarding the shooting incident once more, and advised that subsequent to the shooting one of the subjects sent her son a photo of an assault rifle and claimed responsibility for the shooting the night prior.

10. On March 5, 2020, at approximately 8:36 a.m., officers were dispatched to the Woodspring Suites at 2080 S. Trivis in reference to the tip that the individuals involved in the shooting were staying at that hotel.

11. The witness who engaged in the Snapchat argument with "Sebastian" prior to the shooting gave another statement the morning of March 5, 2020. The witness advised that earlier that morning, one of the subjects with the Snapchat moniker "DIZZYPACS" sent him a photo of rifle-type firearm in reference to the shooting the night prior. He also advised that "PACK MAN" a.k.a. "Sebastian" sent him a Snapchat message that stated: "I pulled up in 20 minutes and I'll do it again." He identified the subjects involved in the shooting as "Sebastian" and an individual who has a black cross tattoo next to his eye with the Snapchat moniker "DIZZYPACS." He also confirmed that the subjects were staying at the Woodspring Suites, stated that the Snapchat argument was related to one of the subjects' girlfriends and "talking shit."

12. Officers also spoke with a Woodspring Suites staff member at approximately 9:05 a.m., who provided documentation indicating that Subjects Sebastian Chacon and Ethan Oller were renting rooms #318 and #319 in the Woodspring Suites hotel.

13. As officers were searching for vehicles that matched the witness descriptions provided, Subject Sebastian Chacon approached the officers in the hotel parking lot at approximately 9:08 a.m. and asked why officers were at the hotel looking at license plates. Subject Sebastian Chacon was advised that officers were unable to tell him what was going on at that time, and he went back into the hotel.

14. At approximately 9:14 a.m., the staff member later advised an officer that the hotel's maintenance worker observed that the occupants of #318 and #319 were acting weird and pacing back and forth.

15. Shortly thereafter, at approximately 9:20 a.m., officers came into contact with Subjects Sebastian Chacon and Ethan Oller, along with a female later identified as Mia Montoya, in the hotel parking lot as they were walking out of the hotel. Officers noticed the odor of marijuana emanating from the subjects. Subject Sebastian Chacon identified his name as "Sebastian," stated "we're staying in room #317," and then confirmed the subjects had two rooms and stated that the other room was #318. Subject Ethan Oller had a tattoo of a cross on his face next to his eye, which matched the description given by the prior witness. Both subjects were carrying backpacks, and Subject Ethan Oller was in possession of keys to a grey 4-door Mercedes that was in the hotel

parking lot. Upon searching the Mercedes, Officers found 9mm bullet casings throughout the vehicle that were consistent with the 9mm casings found where the shooting occurred at 2200 Stern Dr.

16. The individual later identified as Mia Montoya claimed ownership of a black four door Nissan sedan, identified herself as the girlfriend of Subject Sebastian Chacon, allowed officers to search her vehicle, and allowed officers to seize a white suitcase contained within her vehicle that she identified as Subject Sebastian Chacon's suitcase.

17. Officers later searched Subject Ethan Oller's white backpack, and found a loaded tan 9mm handgun, along with approximately 7.3 pounds of THC/marijuana products, which in my training and experience is an amount consistent with distribution. The bullets in this 9mm handgun were consistent with the 9mm bullet casings located at the scene of the shooting at 2200 Stern Dr.

18. Subject Sebastian Chacon's blue backpack was also searched, and contained approximately 6.96 pounds of marijuana/THC products, which in my training and experience is also an amount consistent with distribution. Subject Sebastian Chacon also had approximately \$3,060 in cash on his person, which is an amount consistent with drug trafficking proceeds based on my training and experience.

19. Subjects Sebastian Chacon and Ethan Oller were taken into custody upon the discovery of a distributable amount of marijuana/THC products in each of their respective backpacks. A State of New Mexico search warrant was obtained on March 5, 2020, which officers used to search Subjects Sebastian Chacon and Ethan Oller's hotel rooms (#318 and #319), the white suitcase obtained from Subject Sebastian Chacon's girlfriend Mia Montoya, and the grey 4-door Mercedes vehicle.

20. Subjects Sebastian Chacon and Ethan Oller's hotel rooms (#318 and #319) both contained distributable quantities of marijuana/THC products, and Ethan Oller's hotel room contained two additional firearms: another tan 9mm handgun, and a short-barreled black and tan AR-15 style firearm.

21. Based on my training and experience, I know that firearms are utilized by drug traffickers to protect themselves and their controlled substances. I believe that Subjects Sebastian Chacon and Ethan Oller were distributing controlled substances in Las Cruces, New Mexico in early March/late February 2020, and Sebastian Chacon and/or Ethan Oller were in possession of

the three aforementioned firearms during, in relation to, and in furtherance of their drug trafficking activities.

22. Based on my training and experience, I am also aware that items such as firearms, ammunition, and packaging materials often contain the fingerprints and/or DNA of suspects who have handled the items. I am aware that DNA evidence is easily transferred to metal and plastic surfaces, such as firearms and plastic packaging, and that this evidence may not be visible to the naked eye. The evidence, if it exists, may assist in determining the identity of any person who may have handled the firearms, ammunition, and/or their packaging or container they were concealed in, in addition to drug packaging materials.

23. I also know, based upon my training and experience, and in consultation with agents from the Bureau of Alcohol, Tobacco and Firearms (ATF), that there are no commercially manufactured firearms in the state of New Mexico. Accordingly, the seized firearms had traveled in interstate commerce to be present in the state of New Mexico.

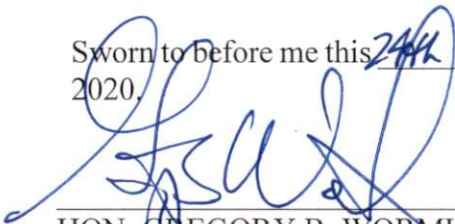
24. **WHEREFORE**, I believe that based upon the information contained herein, there is probable cause to obtain a warrant to collect a DNA sample from the persons of Subjects Sebastian Chacon and Ethan Oller, so that a qualified analyst can compare the samples to any DNA samples retrieved from the any of the firearms, ammunition, and/or drug packaging materials seized in this case.

25. Special Assistant United States Attorney Bradley Bartlett approved this application for a search warrant.

DATED: 4/24/20


Ramon Morales
FBI TFO

Sworn to before me this 24th day of April,
2020.


HON. GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE